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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,152	11/17/2003	Nobuhiro Asai	019970-008	9448
21839	7590	01/04/2005		EXAMINER
				CHERVINSKY, BORIS LEO
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,152	ASAI ET AL.	
	Examiner	Art Unit	
	Boris L. Chervinsky	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 November 2003.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4,8,11-14,17 and 18 is/are rejected.
 7) Claim(s) 5-7,9,10,15,16,19 and 20 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 17 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8, 11, 12, 13, 14, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hajicek et al.

Hajicek discloses a heat dissipation device for dissipating heat produced by at least one electronic component 12, 16, 20 of an electronic control device, the electronic control device comprises: a circuit board 12 having the at least one electronic component mounted thereon; and a protective case 44, 46 made of resin (col. 2, lines 13-14) and defining an interior environment; and a block 54 made of metal and mounted outside of the protective case; and wherein the protective case substantially confines the circuit board within the interior environment; and wherein a heat conduction path is arranged and constructed to conduct the heat generated by the electronic component from the interior environment formed by the protective case to the block; the heat conduction path includes a first heat conductive member 22 and a second heat conductive member 26, wherein the first heat conductive member is disposed within the interior environment of the protective case 44, 46, so that the heat of the electronic component is conducted to the first heat conductive member 22, and wherein the second heat conductive member 26 extends from the interior environment to communicate with the environment

outside of the protective case and has a first end contacting the first heat conductive member 22 and a second end contacting the block 54; the at least one of the first and second heat conductive members are made of metal having good thermal heat conductivity properties; the second heat conductive member 26 comprises at least one bolt 38 that is adapted to fix the actuator block in position relative to the protective case; an electrical insulation member 24 disposed between the electronic component 12 and the first heat conductive member. Hajicek discloses the claimed invention except having the block as part of an actuator. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the block as a part of the actuator, since it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Hajicek discloses the claimed invention except aluminum alloy as the material for the first and the second heat conductive member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use aluminum alloy, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Hajicek discloses the claimed invention except specifying the insert molding as method of making the device. This is functional recitation that is limiting the method of manufacture, but does provide sufficient structure, which differentiates the final product from the product described in the prior art.

Allowable Subject Matter

3. Claims 5-7, 9, 10, 15, 16, 19, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris L. Chervinsky whose telephone number is 571-272-2039. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800 ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BORIS CHERVINSKY
PRIMARY EXAMINER

Boris L. Chervinsky
12/27/4